

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FUNICULAR FUNDS, LP, individually and on behalf
of all others similarly situated,

Plaintiff,

-v-

PIONEER MERGER CORP., PIONEER MERGER
SPONSOR LLC, JONATHAN CHRISTODORO,
RICK GERSON, OSCAR SALAZAR, RYAN
KHOURY, SCOTT CARPENTER, MATTHEW
COREY, MITCHELL CAPLAN, and TODD DAVIS,

Defendants.

Case No. 22-cv-10986-JSR

ECF Case

**NOTICE OF DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT OR TO STAY THE ACTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint or to Stay the Action, dated March 6, 2023, the Declaration of Kyla Jackson, dated March 6, 2023, and the exhibits attached thereto, and all pleadings and proceedings had herein, the undersigned will move this Court before the Honorable Jed S. Rakoff, United States District Judge, Courtroom 14-B, Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York, on April 10, 2023 at 5:00 P.M., for an Order dismissing the Amended Complaint (ECF No. 7), in its entirety or, in the alternative, staying the case pursuant to the doctrines of *forum non conveniens*, international comity and abstention. Defendants also move to dismiss the Amended Complaint in its entirety under Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for such other further relief as the Court deems just and proper.

Plaintiff shall electronically file and serve any opposition papers on or before March 20, 2023, and Defendant shall electronically file and serve any reply papers on or before March 27, 2023.

Dated: New York, New York
March 6, 2023

Respectfully submitted,

/s/ Kyla Jackson

Stefan Atkinson

Kyla Jackson

Amanda Lamothe-Cadet

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Attorneys for Defendants